

REMARKS

This amendment is submitted in response to the non-final Office Action dated August 10, 2009 in which Claims 1-20 are pending, of which Claims 1-9 and 11-20 were rejected under 35 U.S.C. § 112; Claim 10 was objected to as containing informalities, but otherwise indicated as defining patentable subject matter.

The Examiner's indication of the allowability of claim 10 has been duly noted and is appreciated. By this Amendment, Claims 1, 2 and 10-12 have been amended. No new matter is presented by these amendments and their entry and favorable reconsideration are respectfully requested.

OBJECTIONS

Information Disclosure Statement

An information disclosure statement (IDS) was submitted to the USPTO via Express Mail on February 4, 2010. Consideration of the references cited in the IDS is respectfully requested.

Submission of Formal Drawings

A new set of formal drawings are submitted including Replacement Sheets 1-31 containing Figs. 1-31. Acceptance of the new formal drawings is respectfully requested.

In the Claims

The amendment to Claim 10 is formal in nature to correct various typographical errors. No new subject matter has been added to the claim. Withdrawal of the objection is respectfully requested.

REJECTIONS

Claims 1-9 and 11-20 are rejected under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which is regarded as the invention. The rejection is respectfully traversed.

Discussion of Claim Amendments

Claim 1 has been amended by substituting the word “including” for “such as” in line 1; subparagraph (i) has been amended as to form and also to specifically identify the visual displays as being “selected from 3-D X/Y/T space, inline and cross-line space and timeslice space”; subparagraph (j) has been amended by substituting “refraction” for “refractor”; subparagraph (k) has been amended to read as follows:

“k. flattening the time image of each of the refraction wave mini-volumes and semblance cubes and displaying the flattened images;”

subparagraph (m) has been amended, in part, as follows:

“m. comparing the refraction wave mini-volumes and semblance cubes visual display from step (k)...”

The amendments to Claim 1 are entered to provide consistent use of terminology and to conform the several subparagraphs to the prior method steps. Applicant respectfully submits that these amendments overcome the basis for the § 112 rejection. Favorable reconsideration and allowance of Claim 1 is respectfully requested.

The amendment to Claim 2 of deleting “on the X/Y-space” is requested to obviate the antecedent basis issue for that term.

Claim 11 is amended in subparagraph (k) to adopt consistent terminology.

Claim 12 is amended to provide proper antecedent basis for the feature “X/Y-space”.

It is respectfully submitted that all of these amendments are appropriate and their entry is respectfully requested.

Conclusion

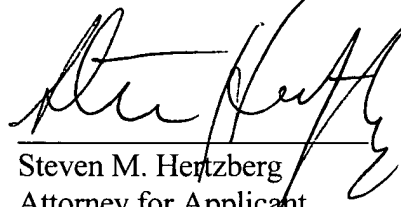
In view of both the claim amendments and discussion presented above, it is submitted that all the claims are in allowable form and that this Amendment responds to all of the issues raised in the Office Action. Thus, the Applicant submits that these claims are in condition for allowance. Accordingly, both favorable reconsideration of this application and its prompt issuance of the Notice of Allowance are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Steven M. Hertzberg at (212) 949-9022 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Petition for Extension of Time

Applicant is submitting a Petition for a three-month extension of time with this Amendment, along with a check for the extension fee. In the event that any other fees are found to be due as a result of the submission of the Amendment, the Office is authorized to charge this firm’s Deposit Account No. 01-0035.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Steven M. Hertzberg", written over a horizontal line.

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